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8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA**

10 **ABDUL AHMED, an individual**

11 **Plaintiff,**

12 **vs.**

13 **CITY OF LOS ANGELES; LOS**
14 **ANGELES DEPARTMENT OF**
15 **CANNABIS REGULATION;**
16 **and DOES 1-10 inclusive,**

17 **Defendants.**

18 **CASE NO. 2 : 22 - CV - 4496**

19 **(Los Angeles County Superior Court:**
20 **Case No. 21STCV29890**

21 **NOTICE OF REMOVAL OF ACTION**
22 **PURSUANT TO 28 U.S.C. § 1331**
23 **[FEDERAL QUESTION]**

24 **TO THE CLERK OF THE ABOVE-ENTITLED COURT, AND TO DEFENDANTS,**
25 **CITY OF LOS ANGELES, LOS ANGELES DEPARTMENT OF CANNABIS REGULATION**
26 **and DOES 1-10 inclusive, AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE**
27 **NOTICE that Plaintiff ABDUL AHMED (hereinafter "AHMED" or Plaintiff") hereby removes**
28 **the above-entitled action from the Superior Court of the State of California County of Los**
Angeles, to the United States District Court for the Central District of California, pursuant to
U.S. C. 28 U.S.C. § 1331.

1 **I. STATEMENT OF JURISDICTION**

2 This Court has original jurisdiction over this action pursuant to U.S. C. 28
3 U.S.C. § 1331, of the United States Code is the general federal question jurisdictional statute,
4 which grants federal district courts with original subject matter jurisdiction over “all civil actions
5 arising under the Constitution, laws, or treaties of the United States.” The case meets all of the
6 diversity statute’s requirements for removal.
7

8 **II. PLEADINGS, PROCESS, AND ORDERS**

9 1. On **August 12, 2021** Abdul Ahmed (“Plaintiff” or “Ahmed”) filed a Complaint
10 for Harassment; Discrimination; Intentional Interference with Prospective Economic Advantage;
11 Negligent Interference with Prospective Economic Advantage; Violation of California equal
12 Protection; and Civil Conspiracy against Defendants in Los Angeles County Superior Court Case
13 No 21SJCv29890.
14

15 2. On **October 19, 2021**, Plaintiff served the Summons and Complaint on
16 Defendants by personal service. Attached hereto as **Exhibit** (“Exh.”) **A** is a true and correct
17 copy of the Summons and Complaint.
18

19 3. On **October 19, 2021** Plaintiff served the Summons and Complaint on
20 Defendants by personal and substituted service. Attached hereto as **Exh. B** is a true and correct
21 copy of the Proof of Service..
22

23 4. On **December 20, 2021**, Defendants Demurred to Plaintiffs Complaint. Attached
24 hereto as **Exh. C** is a true and correct copy of the Demurrer.

25 5. On **May 2, 2022**, Plaintiff filed an Amended Complaint for Violation of
26 California Equal Protection Clause-Due Process, Discrimination and Declaratory Relief in the
27
28

Los Angeles County Superior Court. Attached hereto as **Exh. D** is a true and correct copy of the Summons and Complaint.

6. On **June 1, 2022**, Defendants filed a Demurrer To Plaintiff's First Amended Complaint, And Notice of Motion And Motion To Strike Plaintiff's First Amended Complaint. Attached hereto as **Exh. E** is a true and correct copy of the Demurrer.

7. On **June 1, 2022**, Defendants filed a Request for Judicial Notice. Attached hereto as **Exh. F** is a true and correct copy of the Demurrer.

8. Pursuant to 28 U.S.C. §1446(d), the attached exhibits constitute all process, pleadings and orders served on Plaintiff or filed or received by Plaintiff in this action. To Plaintiff's knowledge, no further process, pleadings, or orders related to this case have been filed in Los Angeles County Superior Court or served by any party.

9. A Case Management Conference is currently scheduled for **June 29, 2022**, in Department 26 of the Los Angeles County Superior Court, at 111 N. Hill Street, Los Angeles, CA. 90012.

III. TIMELINESS OF REMOVAL

10. This Notice of Removal is timely because the Amended Complaint was filed within one (1) year from the commencement of this action. The Amended Complaint was filed on **May 2, 2022**. The Defendants filed a Request for Judicial Notice on **June 1, 2022**. 28 U.S.C. Section 1446(b)(3) permits a defendant (Plaintiff) to file a notice of removal "within 30 days after receipt...of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable."

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IV. VENUE

11. Venue lies in the Central District of California pursuant to 28 U.S.C. sections 84(c). Plaintiff originally brought this action in the Superior Court of the State of California, County of Los Angeles.

V. NOTICE OF REMOVAL

12. Contemporaneously with the filing of this Notice of Removal in the United States district Court for the Central District of California, the undersigned is providing written notice of such filing to Defendants' counsel of record MICHAEL N. FEUER, City Attorney, David J. Michaelson, Chief Assistant City Attorney, Emily Y. Wada, Deputy City Attorney, 221 North Figueroa Street, Suite 1245, Los Angeles, California 90012. In addition, a copy of this Notice of Removal will be filed with the Clerk of the Superior Court of the State of California, County of Los Angeles.

WHEREFORE, Plaintiff prays that the Court remove this action from the Superior Court of the State of California, County of Los Angeles, to the United States District Court for the Central District of California.

DATE: 6/23/, 2022

LAW OFFICE OF CHIMA A. ANYANWU

By: 

CHIMA A. ANYANWU
Attorney for Plaintiff
ABDUL AHMED

EXHIBIT A

21STCV29890

Electronically FILED by Superior Court of California, County of Los Angeles on 08/12/2021 05:46 PM Sherri R. Carter, Executive Officer/Clerk of Court, by H. Flores-Hernandez, Deputy Clerk

SUM-100

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO): CITY OF LOS ANGELES; LOS ANGELES DEPARTMENT OF CANNABIS REGULATION; SHARON DICKINSON, Clerk Retired; JASON KILLIAN, Assistant Executive Director, Department of Cannabis Regulation; and DOES 1 to 10 inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

ABDUL AHMED, an individual,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior Court of California, County of Los Angeles - Stanley Mosk Courthouse
111 North Hill Street, Los Angeles, California 90012

CASE NUMBER: (Número del Caso):

21STCV29890

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Jerome Anthony Clay, Jr., Esq

LAW OFFICES OF JEROME A. CLAY, 5250 Claremont Avenue, Suite 221, Stockton, California 95207

Telephone: (209) 603-9852 Facsimile: (510) 280-2841 E-mail: jclay7@claylaw.net

DATE: 08/12/2021

(Fecha)

Sherri R. Carter Executive Officer / Clerk of Court

Clerk, by

(Secretario)

H. Flores-Hernandez

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date)

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Yolanda Orozco
electronically FILED by Superior Court of California, County of Los Angeles on 08/12/2021 05:46 PM Sherri R. Carter, Executive Officer/Clerk of Court, by H. Flores-Hernandez, Deputy Clerk

Jerome Anthony Clay, Jr., Esq., SBN 327175
LAW OFFICES OF JEROME A. CLAY
5250 Claremont Avenue, Suite 221
Stockton, California 95207

Telephone: (209) 603-9852
Facsimile: (510) 280-2841
E-mail: Jclay7@claylaw.net

Attorney(s) for Plaintiff(s): Abdul Ahmed

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES
STANLEY MOSK COURTHOUSE

ABDUL AHMED, an individual,

Plaintiff(s),

vs.

CITY OF LOS ANGELES; LOS ANGELES
DEPARTMENT OF CANNABIS REGULATION;
SHARON DICKINSON, Clerk Retired; JASON
KILLIAN, Assistant Executive Director,
Department of Cannabis Regulation; and DOES
1 to 10 inclusive,

Defendant(s).

Case No.: 21STCV29890

COMPLAINT FOR:

1. Harassment;
2. Discrimination;
3. Intentional Interference with Prospective Economic Advantage;
4. Negligent Interference with Prospective Economic Advantage;
5. Violation of California Equal Protection;
6. Civil Conspiracy

[JURY TRIAL DEMANDED]

COMES NOW, Plaintiff ABDUL AHMED ("Plaintiff" or "Mr. AHMED"), by his undersigned
counsel, hereby complain against Defendants CITY OF LOS ANGELES; LOS ANGELES

Case No.

DEPARTMENT OF CANNABIS REGULATION; SHARON DICKINSON, Clerk Retired; JASON KILLIAN, Assistant Executive Director, Department of Cannabis Regulation; and DOES 1 to 10 inclusive ("Defendants") and alleges as follows:

SUMMARY

1. This is an action by Plaintiff, whose permit application to operate medical marijuana dispensary pursuant City of Los Angeles Medical Marijuana Interim Control Ordinance (ICO) No.: 179027, was never issued. In another hand other participating applicants, even though similarly submitted not complete application packages like the Plaintiff herein, before the cutoff date of November 13, 2007, were approved by the City to operate medical marijuana dispensary.

2. On or about March 2, 2018, Plaintiff applied for his business MELROSE QUALITY PAIN RELIEF, INC., a marijuana business license phase 1, under proposition M, priority processing for Pre-ICO collectives. Application number LA A10-18-0000168-APP. It was denied by LOS ANGELES DEPARTMENT OF CANNABIS REGULATION on April 15, 2019, supposedly MELROSE QUALITY PAIN RELIEF, INC., didn't register under the ICO by November 13, 2007. Plaintiff appealed the denial and in an administrative hearing, MELROSE QUALITY PAIN RELIEF, INC., license was denied again on or about October 28, 2020. Plaintiff filed a claim for damages against the CITY OF LOS ANGELES and the claim was denied by the CITY OF LOS ANGELES on March 3, 2021. Plaintiff and MELROSE QUALITY PAIN RELIEF, INC., filed a writ of mandamus which is still pending, in the Superior Court of California, County of Los Angeles, Case No.: 21STCP00160.

PARTIES

3. At all times mentioned herein, Plaintiff resided in Los Angeles County, State of California. Plaintiff is the principal owner of MELROSE QUALITY PAIN RELIEF, INC., a Medical Marijuana Dispensary, is a California Non-Profit Corporation which was domiciled at 1041 S. Wall Street, Los Angeles, California 90015.

4. At all times mentioned herein, Defendant, CITY OF LOS ANGELES is a government agency duly organized and operating in Los Angeles County, California.

5. At all times mentioned herein, Defendant LOS ANGELES DEPARTMENT OF

1 CANNABIS REGULATION is an Agency of the City of Los Angeles and is responsible for issuing
2 licenses to sell commercial cannabis pursuant Los Angeles Municipal Code 104.00, *et seq.*

3 6. At all times mentioned herein, Defendant, SHARON DICKINSON, Retired Clerk was
4 employed by Defendant City of CITY OF LOS ANGELES.

5 7. At all times mentioned herein, Defendant JASON KILLIAN, is the Assistant Executive
6 Director of Licensing, Compliance and Administration for Defendant LOS ANGELES
7 DEPARTMENT OF CANNABIS REGULATION.

8 8. Plaintiff is ignorant of the true names or capacities of Defendants sued herein as
9 DOES 1 to 10, inclusive, and therefore sue said Defendants by such fictitious names. Plaintiff will
10 amend this complaint to allege their true names or capacities when ascertained.

11 9. At all times mentioned herein, Defendants, and those acting on their behalf, and each
12 of them, were agents, partners, con-conspirators, and/or employees of the other and, in doing the
13 things hereinafter alleged, were acting within the course and scope of such agency and/or
14 conspiracy and/or at the direction of or with the permission and consent of the Defendants.

15 **GENERAL ALLEGATIONS**

16 10. On August 1, 2007 the City Council passed ICO No.179027. On August 10, 2007 The
17 Mayor of Los Angeles County, Los Angeles, California approved the Control Ordinance. The ICO
18 went into effect September 14, 2007.

19 11. In order for the Plaintiff to participate, he had to have owned and operated a medical
20 Marijuana Dispensary prior to the date of September 14, 2007.

21 12. Plaintiff is a member of several protected classes under which California State law
22 and Federal law prohibits discrimination and harassment. He is a middle-eastern man and he is a
23 practicing Muslim. As referenced hereinafter in this Complaint, "Protected Class" shall mean
24 middle-eastern man and practicing Muslim.

25 13. Plaintiff purchased MELROSE QUALITY PAIN RELIEF, INC., on August 19, 2009
26 from the prior owner, Mr. VINCENT MEHDIZADEH.

27 14. Plaintiff applied to the CITY OF LOS ANGELES, DEPARTMENT OF CANNABIS
28 REGULATION seeking Proposition M Priority Processing Licensure, pursuant to Proposition 64,

1 which allowed Plaintiff to immediately operate a recreational cannabis business in the CITY OF
2 LOS ANGELES, pursuant to ICO No. 179027.

3 15. When the Plaintiff purchased the business from the prior owner of MELROSE
4 QUALITY PAIN RELIEF, INC., Mr. VINCENT MEHDIZADEH, the purchase included all rights that
5 the business had under the prior owner.

6 16. The criteria to qualify for Proposition M was that the type of business was to be
7 opened and legally operating as a Medical Marijuana Dispensary commencing 2006. MELROSE
8 QUALITY PAIN RELIEF, INC., was established and incorporated in the State of California
9 September 19, 2006, and was operational until April 15, 2019.

10 17. Plaintiff continued to operate MELROSE QUALITY PAIN RELIEF, INC., a California
11 Non-Profit Mutual Benefit Corporation as a medical marijuana collective for medically ill patient who
12 provided a valid recommendation from a California licensed medical doctor. Further, the medically
13 ill patient had to present a valid government issued identification. The recommendation was given
14 only to medically ill person to help reduce symptoms of fibromyalgia, HIV/AIDS, chronic pain,
15 cancer, loss of appetite, insomnia, inflammation and a number of other medical conditions. It was
16 mandatory that each medically ill patient fill out a membership form provided by MELROSE
17 QUALITY PAIN RELIEF, INC., and sign it in the presence of an employee.

18 18. The Defendants allege that the prior owner of MELROSE QUALITY PAIN RELIEF,
19 INC., in 2007 had failed to timely file the application on November 13, 2007, and further that had not
20 submitted all the necessary documents at the time of an alleged late filing. Plaintiff was not the
21 owner at the time on November 13, 2007, however, the prior owner did submit the application timely
22 and did submit the alleged missing documents timely two times, once on November 13, 2007, that at
23 the Defendants' request again on November 27, 2007, through the fax to LOS ANGELES
24 DEPARTMENT OF CANNABIS REGULATION.

25 19. On November 13, 2007, Mr. VINCENT MEHDIZADEH, then owner of MELROSE
26 QUALITY PAIN RELIEF, INC., timely submitted the required application. (a) City of Los Angeles
27 Tax Registration Certificate; (b) State Board of Equalization seller's permit; (c) Property lease or
28 documentation of ownership; (d) Business Insurance; (e) Dispensary membership forms (blank); (f)

1 Los Angeles County Health Department permit (if needed- NOT NEEDED). Although at the Clerk's
 2 Office, and because of an excess application submission on November 13, 2007, Mr. VINCENT
 3 MEHDIZADEH was in line from 2:00 p.m. until 5:08 p.m. at which time he handed all the referenced
 4 documents to a City Clerk. The documents were stamped as received. Because the documents
 5 were submitted after 5:00 p.m., all applicants handing them in were given an "Agreement Of
 6 Conditional Receipt." There were several applicants that turned their documents in after the
 7 deadline of 5:00 p.m. on November 13, 2007.

8 20. Mr. VINCENT MEHDIZADEH telephoned Defendant SHARON DICKINSON and
 9 inquired as to the status of his application on November 27, 2007. Mr. VINCENT MEHDIZADEH
 10 was informed by Defendant that his packet was incomplete. Mr. VINCENT MEHDIZADEH then
 11 informed Defendant that he did turn in all required documents that he would however fax them
 12 immediately. Mr. VINCENT MEHDIZADEH immediately faxed the required documents. Mr.
 13 VINCENT MEHDIZADEH faxed 13 pages, however, Defendants allegedly received only pages 7-
 14 13.

15 21. At the time of Mr. VINCENT MEHDIZADEH's application, there were four (4)- five (5)
 16 applications filed on November 13, 2007 which also had application deficiencies, (1)
 17 CALIFORNIA'S CHOICE COLLECTIVE, INC., (2) MEDICAL CAREGIVERS COMPANY, (3) SAFE
 18 HARBOR PATIENT'S COLLECTIVE, INC., (4) DTPG COLLECTIVE, INC., and (5) TOLUCA LAKE
 19 COLLECTIVE, INC. Defendants allowed these applicants to submit their deficiencies later, months
 20 later, while at the same time rejecting MELROSE QUALITY PAIN RELIEF, INC.'s submission two
 21 times. On November 13, 2007, the Defendants alleged that MELROSE QUALITY PAIN RELIEF,
 22 INC., did not submit the full application. The owner of MELROSE QUALITY PAIN RELIEF, INC.,
 23 even submitted a declaration that he did submit the application timely and the deficiencies two (2)
 24 times. The Defendants only refused MELROSE QUALITY PAIN RELIEF, INC.'s permit/license, but
 25 not the other five (5) applicants as stated above. (e.g. TOLUCA LAKE COLLECTIVE, INC., was
 26 allowed to be added to Pre-ICO list in September 2008, almost a year after the deadline.)

27 22. Plaintiff filed a law suit against the Defendants on or about June 1, 2010 In the
 28 Superior Court of California, County of Los Angeles, Case No.: BC44036, and at that time Ms.

JANE USHER, Assistant City Attorney, informed the Court that if these applicants had deficiencies on November 13, 2007, and were permitted a license, she would throw out the registrations of CALIFORNIA'S CHOICE COLLECTIVE, INC., (2) MEDICAL CAREGIVERS COMPANY, (3) SAFE HARBOR PATIENT'S COLLECTIVE, INC., (4) DTPG COLLECTIVE, INC., and (5) TOLUCA LAKE COLLECTIVE, INC.

23. Defendants, nor their attorney who misrepresented to open Court that the applicants would be threw out, did not do anything to remedy the situation. Said applicants continued undisturbed its operations, while Plaintiff was denied the same opportunity.

24. Plaintiff was informed and believes what Ms. JANE USHER, the Assistant City Attorney also stated in the open Court, that MELROSE QUALITY PAIN RELIEF, INC., was in compliance with the application process of November 2007, yet CITY OF LOS ANGELES failed to issue the permit.

25. MELROSE QUALITY PAIN RELIEF, INC., was operating legally from September 2006 through April 2019. Intravenously CITY OF LOS ANGELES and LOS ANGELES DEPARTMENT OF CANNABIS REGULATION would send letters, the CITY OF LOS ANGELES POLICE DEPARTMENT would come into the establishment and state that Plaintiff was operating illegally.

FIRST CAUSE OF ACTION

Harassment

As Against All Defendants

26. Plaintiff hereby incorporates by reference each and every allegation contained above as though fully set forth herein.

27. Civil harassment involves thirsts, violence, stalking or any behavior that scares or annoys someone without a legitimate purpose. It includes acts that cause emotional distress. Police officers come face-to-face with persons, they are aggressive and threatening, causes a reasonable person to feel terrorized, frightened, intimidated, harassed and fearful.

28. On or about July 8, 2010, Deputy City Attorney Mr. COLLEN COURTNEY sent an e-mail to Assistant City Attorney Asha Greenberg and Deputy City Attorney MARY CLAIRE

1 MOLIDOR, stating: "we need your and LAPD's help." "If possible, we would like to secure a LAPD
2 declaration by 7/15 to support the City's claim of unclean hands in the "Melrose" matter, that the site
3 is still doing business, that the daily operations are illegal (illegal sales, transport, etc.)." This was
4 the beginning of the premediated harassment of the Plaintiff and his business.

5 29. On July 10, 2010, LAPD officers acting on the instructions of CITY OF LOS ANGELES
6 Attorneys, and in an undercover capacity went to the Plaintiff's business MELROSE QUALITY PAIN
7 RELIEF, INC., in an undercover capacity. They were not dressed in police attire. They had "fake"
8 identification and doctor's recommendations as was a requirement of "The Compassionate Use Act,
9 approved in 1996, pursuant to Proposition 215, legalizing the use of marijuana for medical purposes
10 and allows persons to grow or possess marijuana based on recommendation of a licensed
11 physician. The Plaintiff was the owner of MELROSE QUALITY PAIN RELIEF, INC., and believed
12 he was authorized to sell marijuana pursuant to Ordinance 179027 which was passed by the
13 Council of the City of Los Angeles on August 1, 2007.

14 30. The undercover police requested 1/8 ounce of marijuana and paid \$39.00; the other
15 undercover officer also requested 1/8 ounce of marijuana, and paid \$40.00. After making the
16 purchase the undercover officers left MELROSE QUALITY PAIN RELIEF, INC. The same persons
17 returned at approximately 6:30 p.m. with a search warrant and served it on Plaintiff's business.
18 Plaintiff was informed that under the Compassionate Use Act, the sale of marijuana was not
19 permitted.

20 31. Plaintiff was thereafter arrested and charged with four counts of violation of portions
21 of Los Angeles Municipal Code §§ 4519.6 *et seq.*, misdemeanor charges. Defendant, CITY OF
22 LOS ANGELES filed a complaint against Plaintiff and his business.

23 32. On August 4, 2010, the Defendant CITY OF LOS ANGELES demanded the immediate
24 closure of MELROSE QUALITY PAIN RELIEF, INC.

25 33. On December 1, 2010, the City Council of Los Angeles County amended Los Angeles
26 Municipal Code §§ 45.19 *et seq.*, to allow registration by a collective which had at least one
27 member/manager who remained associated with the collective was identified in connection with
28 registration under the ICO.

34. On December 10, 2010, the Court in response to the Plaintiff's Demurrer and request for Preliminary Injunction against the Defendants, the Court enjoined the CITY OF LOS ANGELES as follow:

"The court GRANTS a preliminary injunction barring the City from enforcing the following portions of the Ordinance:

- Section 45.19.6.9: the first sentence of that section which provides "Each and every violation (of the ordinance) shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by Section 11.00 of this Code."

- Section 45.19.6.10: the first sentence of paragraph, i.e., the sunset clause, which, the court assumes, should have been designated as Sec. 1.

- Section 45.19.6.2(A): to the extent it deprives Plaintiffs of vested property rights without a neutral hearing.

- Section 45.19.6.2(B)(2): the following language "was registered pursuant to the Interim Control Ordinance No. 179.027 with the City Clerk's office on or before November 13, 2007."

- Section 45.19.6.4: the following language "(3) the full name, address, and telephone number(s) of all patient members to whom the collective provides medical marijuana."

34. Further, on December 2010, Courts ruled that the Ordinance of November 13, 2007 deprives certain Plaintiffs of equal protection of the laws. Specifically, the ordinance's use of the November 13, 2007 deadline, deadline loses any relation to the Ordinance's stated purpose of enhancing public safety, because the ICO was invalid before the deadline came. There was no reason to comply. Therefore, the Court found that the use of the November 13, 2007 deadline arbitrary and capricious such that it violates the equal protection clauses of the constitutions of the United States and the State of California. Compliance to the expired Ordinance cannot be the sole basis of the right to continue operating. In that the Ordinance violates equal protection of the California and Federal Constitutions.

35. The Court further stated that the Ordinance violates the procedural due process rights of certain collectives because the City provided no opportunity for the collectives to be heard at a meaningful time and in a meaningful manner. More importantly, the Court found "most troubling are the complaints that the police have raided collectives where, allegedly, no laws have been broken."

36. On January 21, 2011, the City Council of the County of Los Angeles amended Los

1 Angeles Municipal Code §§ 45.19.6 *et seq.*, for the alleged purpose of compliance with the Court's
 2 order (above). It is clear that the Court's order, Section 45.19.6.2(A) prohibited the CITY OF LOS
 3 ANGELES from criminal prosecution, prohibiting loss of vested rights **without prior due process**
 4 **hearing.** The Courts order was in favor of the MELROSE QUALITY PAIN RELIEF, INC., a
 5 California corporation, and this Plaintiff.

6 37. The harassment, planning and conspiracy conjured by the Defendants, and each of
 7 them in requesting the LAPD to conspire with them to support the Defendants' claims that
 8 MELROSE QUALITY PAIN RELIEF, INC., and the Plaintiff were acting with unclean hands in the
 9 operation of the business caused the Plaintiff to be arrested, his property to be confiscated, to be
 10 fearful, to retain legal counsel, to spend thousands of dollars in his defense, created a hostile
 11 environment for the Plaintiff and his partners and associates. The Defendants and each of them did
 12 this with the specific intent to inspire fear, humiliation and severe emotional distress. This
 13 harassing conduct unreasonably interfered with Plaintiff's business, financial liberty, and created an
 14 abusive business environment.

15 38. All of the above misconduct was unwelcomed, and occurred from 2009 through and
 16 including April 2019. Plaintiff believes and alleges that all this harassment took place because
 17 Plaintiff is a member of the Protected Class. The manner and process in which the Defendants,
 18 and each of them carried out the harassment was unlawful and abusive, all because Plaintiff was a
 19 member of a Protected Class. The harassing conduct described in this cause of action expressly
 20 arises from harassment and only harassment. The harassing conduct described in this section, the
 21 false arrest, the false allegations, the humility, the conspiracy with the LAPD was done with the
 22 Defendants' goal to set up a "scheme" to crush Plaintiff's spirit in his quest for his right to "life,
 23 liberty, and a pursuit of happiness" in his financial endeavor. Further, all those collectives
 24 referenced in above were not members of a Protected Class, and failed to submit documents timely
 25 and failed to submit all documents timely were not subjected to the harassment above-described as
 26 was Plaintiff who is a member of a Protected Class. Plaintiff's financial solvency, and future pursuit
 27 of "life, Liberty, and happiness have been severely impaired.

28 39. The conduct of Defendants and each of them as described above, was malicious,

1 fraudulent, oppressive and was done with a willful and conscious disregard for Plaintiff's rights to be
 2 given a license to operate his business. Plaintiff alleges and believes that Defendants and each of
 3 them intended to cause Plaintiff injury because he is a member of a Protected Class. Defendants
 4 and their agents/employees or supervisors, authorized, condoned, and ratified the unlawful conduct
 5 of each other. Consequently, Plaintiff is entitled to punitive damages against Defendants and each
 6 of them. The acts of the Defendants were done fraudulently, maliciously and oppressively and with
 7 the advance knowledge, conscious disregard authorization, ratification or act of oppression on the
 8 part of Defendants, their agents/employees or supervisors. The acts of the Defendants and each of
 9 them was intended to deprive Plaintiff of his legal rights to receive a license to operate his business.
 10 Defendants and each of them conspired with LAPD and others to impair Plaintiff's business and to
 11 cause him to close his business down without justification. Plaintiff believed that he was legally
 12 operating the business because all documents had been timely turned in on November 13, 2007.
 13 Defendants and each of them misrepresented the truth, misplaced documents, and/or destroyed
 14 documents that had been turned in on November 13, 2007. As stated above, collectives that were
 15 not timely and failed to turn in missing documents on November 13, 2007, were allowed to correct
 16 and turn in documents as late as January and February of 2008. (e.g. TOLUCA LAKE
 17 COLLECTIVE, INC., was allowed to be added to Pre-ICO list in September 2008, almost a year
 18 after the deadline.)

19 40. Plaintiff alleges that there is no other justification for Defendants' harassing treatment
 20 which subjected Plaintiff to severe financial hardship, and embarrassment by arresting him and later
 21 dismissing the charges.

22 41. Defendants knew that Plaintiff was acting in his legal rights, the Courts further
 23 justified Plaintiff's action and awarded him an injunction against the Defendants. Defendants'
 24 actions constituted deceit and concealment of documents with the specific intention to deprive
 25 Plaintiff of property and legal rights, justifying an award of exemplary and punitive damages in an
 26 amount according to proof.

27 ///

28 ///

SECOND CAUSE OF ACTION

Discrimination

As Against All Defendants

42. Plaintiff hereby incorporates by reference each and every allegation contained above as though fully set forth herein.

43. Plaintiff is a member of several protected classes under which federal and state laws prohibits discrimination and harassment. Plaintiff is a middle-eastern man and he is a practicing Muslim. As referenced hereinafter in this Complaint, "Protected Class" shall mean middle-eastern man and practicing Muslim.

"A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; provided, that nothing contained herein or elsewhere in this Constitution imposes upon the State of California or any public entity, board, or official any obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution with respect to the use of pupil school assignment or pupil transportation. In enforcing this subdivision or any other provision of this Constitution, no court of this State may impose upon the State of California or any public entity, board, or official any obligation or responsibility with respect to the use of pupil school assignment or pupil transportation, (1) except to remedy a specific violation by such party that would also constitute a violation of the Equal Protection Clause of the 14th Amendment to the United States Constitution, and (2) unless a federal court would be permitted under federal decisional law to impose that obligation or responsibility upon such party to remedy the specific violation of the Equal Protection Clause of the 14th Amendment of the United States Constitution."

44. The Defendants and each of them discriminated against the Plaintiff by denying a right to pursue life, liberty, or property in a legal business. The United States was founded on the idea that all people can come to a new land and be free to live, work, and pursue happiness in the way they see fit.

America's Declaration of Independence

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness."

45. This statement and this statement alone make it clear that we are at liberty to pursue lives of our own choosing. Our path in this world is ours to make. It is not predestined by government.

46. The Defendants and each of them conspired intentionally to deprive this Plaintiff of

1 his right to pursue life, liberty, and property. The Defendants discriminated against the Plaintiff by
 2 subjecting him to the legal right to obtain a permit to operate a legal business. The California
 3 Constitution states:

4 Article 1, Declaration of Rights § 8:

5 A person may not be disqualified from entering or pursuing a business, profession,
 6 vocation, or employment because of sex, race, creed, color, or national or ethnic
 origin.

7 47. Plaintiff alleges and believes that because of his membership in the Protected Class,
 8 Defendants and each of them subjected Plaintiff to disparate treatment, denied him a permit to
 9 operate his business when he had fully complied with all the requirements that the Defendants
 10 presented. Further, Plaintiff alleges that the managing agents and employees of the Defendants
 11 subjected Plaintiff to discrimination and in violation of California Constitution Article 1 Section 8.
 12 Defendants failed or refused to take appropriate department procedures to remedy the effects of
 13 discriminatory acts perpetuated by the employees of the CITY OF LOS ANGELES and LOS
 14 ANGELES DEPARTMENT OF CANNABIS REGULATIONS.

15 48. The Plaintiff was denied a permit/license to operate his business when others who
 16 applied failed to follow the procedure required by the Defendants. Plaintiff requested on numerous
 17 times why was his application denied because of alleged late filings and failure to submit
 18 documents where over four other applicants failed to submit timely applications and documents to
 19 the Defendants.

20 APPLICATIONS SUBMITTED AFTER 5:00 P.M. ON NOVEMBER 13, 2007;
 21 APPLICATIONS WITH INCORRECT AND/OR MISSING DOCUMENTATION;
 22 APPLICATIONS WITH INSURANCE DATED AFTER SEPTEMBER 14, 2007;

- 23 1. SAFE HARBOR PATIENT'S COLLECTIVE, INC. - Submitted after 5:00 P.M.;
- 24 Deficiencies submitted 1/23/08;
- 25 2. GREEN DOT MEDICAL CANNABIS PATIENTS' GROUP - Submitted after 5:00
- 26 P.M.;
- 27 3. GALAXY CAREGIVERS GROUP, LLC - Submitted after 5:00 P.M.
- 28 4. HERBAL NUTRITION CENTER - Submitted after 5:00 P.M.

- 1 5. NATURAL SOLUTIONS PATIENT CARE, INC. - Submitted after 5:00 P.M.
2 (Note: Department of Cannabis Regulations allowed these (two) change addresses,
3 provide missing documents after 11/13/2007 and to register after November 13,
4 2007, 5:00 p.m.)
- 5 6. MEDICAL CAREGIVERS COMPANY - Insurance dated after September 14, 2007;
6 a. Application deficiencies submitted 1/08/08;
7 b. Received license in 2008, Expires 3/26/2021;
- 8 7. THERAPEUTIC HEALTH COLLECTIVE - incorrect and/or missing documents;
- 9 8. VALLEY HOLISTIC CAREGIVERS - incorrect and/or missing documents;
- 10 9. CALIFORNIA CHOICE - incorrect and/or missing documents; - submitted 1/8/08;
11 a. Received State License, in 2008, and expires 6/18/2021
- 12 10. LAHC, INC. - incorrect and/or missing documents;
- 13 11. PEACE OF GREEN, INC. - incorrect and/or missing documents;
- 14 12. TIMOTHY LEARY MEMORIAL DISPENSARY - incorrect and/or missing documents;
- 15 13. MEDMEN - Not on any registered lists in 2007 – Not in compliance with Interim
16 Control Ordinance 179027 (“ICO”) filing requirements in November 2007; Medmen
17 were licensed under the ICO and remain open as of the date of this complaint;
- 18 14. TLC, INC. – Not on any registered lists in 2007 - Not in compliance with Interim
19 Control Ordinance 179027 (“ICO”) filing requirements in November 2007; TLC were
20 licensed under the ICO and remain open as of the date of this complaint; Application
21 resubmitted 9/9/08; License expires 6/3/2021;
- 22 15. COLLECTIVE, INC. (DTPG) - deficiencies in documents; Submitted on 1/23/08;
23 a. Received License in 2008, Expires 5.18/2021;
- 24 49. In a Court hearing on or about June 23, 2010, the Court requested that the four (4)
25 collectives that did not get registered. Attorney Ms. JANE USHER, stated to the Court under oath:
26 “What I can tell you is that before this week is up, the City Clerk will be removing noncomplying
27 Collectives from the list.”
- 28 50. MELROSE QUALITY PAIN RELIEF, INC., allegedly was not timely in filing, and

1 allegedly did not turn in the required documents. MELROSE QUALITY PAIN RELIEF, INC., was
 2 denied a permit to operate the business while other collectives with same and similar discrepancies
 3 received permits and license to operate the same kind of business as MELROSE QUALITY PAIN
 4 RELIEF, INC., was requesting to operate.

5 51. Plaintiff requested a legal reason for him being denied when others similarly situated,
 6 and with the same business enterprises were allowed to submit late, and to submit completed
 7 documents at later dates after the November 13, 2007 deadline. To this date, Plaintiff's request for
 8 reasons has fail on deaf ears, and in many administrative and judicial legal hearings. Plaintiff's only
 9 recourse and understanding of the denial of permit/licensing is that he is being discriminated
 10 against because he is of the "protected class" of persons.

11 The California Constitution, Article 1, states:

12 (a) The People have the right to instruct their representatives, petition government
 13 for redress of grievances, and assemble freely to consult for the common good.

14 (b)(1) The people have the right of access to information concerning the conduct of
 15 the people's business, and, therefore, the meetings of public bodies and the writings
 of public officials and agencies shall be open to public scrutiny.

16 52. The Defendants and each of them denied, and/or failed to provide the Plaintiff with
 17 reason for denying him his right to life, liberty, or property of the permit/license when they gave the
 18 same to other applicants who failed to provide timely applications and documentations.

19 53. The alleged discrimination and conduct constitute unlawful discrimination for which
 20 Defendants are in violation of The California Constitution as alleged above.

21 54. The above acts were perpetrated upon Plaintiff by Officials of the CITY OF LOS
 22 ANGELES, LOS ANGELES DEPARTMENT OF CANNABIS REGULATIONS, its agents and
 23 employees. The Defendants knew or should have known of the conduct but failed to take
 24 immediate and appropriate corrective action.

25 55. As a proximate result of the wrongful conduct of Defendants, and each of them,
 26 Plaintiff has suffered and continues to suffer a loss in his finances, life, liberty and his pursuit of
 27 happiness. As a direct, foreseeable, and proximate result of Defendants' actions, Plaintiff has
 28 suffered severe humiliation, emotional distress and mental anguish all to his damages in an amount

1 to be ascertained according to proof.

2 56. Plaintiff requests a reasonable award of attorneys' fees and costs, past and present,
3 including all fees and costs of past and present litigation involved in this matter.

4 57. The conduct of Defendants and each of them as described above, was malicious,
5 fraudulent, or oppressive and was done with a willful and conscious disregard for Plaintiff's rights
6 and for the deleterious consequences of Defendants' actions. Plaintiff alleges that Defendants and
7 each of them intended to cause injury to Plaintiff, or that the despicable conduct was carried on by
8 the Defendants with a willful and conscious disregard of Plaintiffs' rights and subjected Plaintiff to
9 cruel and unjust hardship in conscious disregard of his rights. Defendants and their
10 agents/employees or supervisors, authorized, condoned, and ratified the unlawful conduct of each
11 other. Testifying in administrative courts and judicial courts with misrepresentations and distortions.
12 Consequently, Plaintiff is entitled to punitive damages against Defendants and each of them. The
13 acts of Defendants were done fraudulent, maliciously and oppressively and with the advance
14 knowledge, conscious disregard authorization, ratification or act of oppression on the part of
15 Defendants their officers, agents, managing agents and employees.

16 58. The actions and conduct of Defendants were intended to cause injury to Plaintiff and
17 constituted deceit and concealment of material facts known to Defendants with the intention to
18 deprive Plaintiff of property, happiness and legal rights, justifying an award of exemplary and
19 punitive damages in an amount according to proof.

20 **THIRD CAUSE OF ACTION**

21 **Intentional Interference with Prospective Economic Advantage**

22 **As Against All Defendants**

23 59. Plaintiff hereby incorporates by reference each and every allegation contained above
24 as though fully set forth herein.

25 The California Constitution Article I Declaration of Rights, Section 7 provides that:

26 A person may not be deprived of life, liberty, or property without due process of law or
27 denied equal protection of the laws.

28 60. Defendants targeted Plaintiffs, members of a "Protected Class" in order to stop

1 patients/clients from frequenting Plaintiff's medical marijuana dispensary, thereby causing Plaintiff
 2 great financial injury and damages to Plaintiff's reputation in the community and to interfere with
 3 business relationships that Defendants, and each of them, knew or should have known that Plaintiff
 4 had with existing and prospective clients.

5 61. Defendants and each of them knew, or had reason to know, that informing the LAPD
 6 that Plaintiff was an "illegal" medical marijuana dispensary would directly interfere with any existing
 7 and/or prospective economic advantages that Plaintiff had or would have with existing and potential
 8 medical marijuana patients/clients.

9 62. As a proximate result of the fraudulent/egregious conduct of Defendants, Plaintiff has
 10 suffered great and irreparable financial injury. As a proximate result thereof, Plaintiff has been
 11 damaged in an amount to be proven at trial, but not less than the jurisdictional limit of this court.

12 63. The aforementioned conduct was an intentional misrepresentation, deceit and/or
 13 concealment, with the intention on the part of the Defendants of denying Plaintiff financial gain by
 14 thereby depriving Plaintiff of property, legal rights or otherwise, causing injury, and was despicable
 15 conduct that subjected Plaintiff to cruel and unjust hardship and conscious disregard of Plaintiff's
 16 rights so as to justify an award of exemplary and punitive damages.

17 **FOURTH CAUSE OF ACTION**

18 **Negligent Interference with Prospective Economic Advantage**

19 **As Against All Defendants**

20 64. Plaintiff hereby incorporates by reference each and every allegation contained above
 21 as though fully set forth herein.

22 65. Defendants, and each of them, as employees, agents, supervisors and
 23 representatives of the County of Los Angeles, owed a duty to Plaintiff to uphold the laws of the
 24 State of California and the County of Los Angeles in order to promote the safety, growth and
 25 prosperity of the citizens of the State of California and the County of Los Angeles.

26 66. On or about July 8, 2010, Deputy City Attorney Mr. COLLEN COURTNEY sent an e-
 27 mail to Assistant City Attorney Asha Greenberg and Deputy City Attorney MARY CLAIRE
 28 MOLIDOR, stating: "we need your and LAPD's help." "If possible, we would like to secure a LAPD

1 declaration by 7/15 to support the City's claim of unclean hands in the "Melrose" matter, that the site
2 is still doing business, that the daily operations are illegal (illegal sales, transport, etc.). This was
3 the beginning of the premediated harassment of the Plaintiff and his business.

4 67. On July 10, 2010, LAPD officers acting on the instructions of CITY OF LOS ANGELES
5 Attorneys, and in an undercover capacity went to the Plaintiff's business MELROSE QUALITY PAIN
6 RELIEF, INC., in an undercover capacity. They were not dressed in police attire. They had "fake"
7 identification and doctor's recommendations as was a requirement of "The Compassionate Use Act,
8 approved in 1996, pursuant to Proposition 215, legalizing the use of marijuana for medical purposes
9 and allows persons to grow or possess marijuana based on recommendation of a licensed
10 physician. The Plaintiff was the owner of MELROSE QUALITY PAIN RELIEF, INC., and believed
11 he was authorized to sell marijuana pursuant to Ordinance 179027 which was passed by the
12 Council of the City of Los Angeles on August 1, 2007.

13 68. The undercover police requested 1/8 ounce of marijuana and paid \$39.00; the other
14 undercover officer also requested 1/8 ounce of marijuana, and paid \$40.00. After making the
15 purchase the undercover officers left MELROSE QUALITY PAIN RELIEF, INC. The same persons
16 returned at approximately 6:30 p.m. with a search warrant and served it on Plaintiff's business.
17 Plaintiff was informed that under the Compassionate Use Act, the sale of marijuana was not
18 permitted.

19 69. Plaintiff was thereafter arrested and charged with four counts of violation of portions
20 of Los Angeles Municipal Code §§ 4519.6 *et seq.*, misdemeanor charges. Defendant, CITY OF
21 LOS ANGELES filed a complaint against Plaintiff and his business.

22 70. Defendants knew or should have known that MELROSE QUALITY PAIN RELIEF,
23 INC., was operating legally. Further that the Courts had granted MELROSE QUALITY PAIN
24 RELIEF, INC., Pain Relief and Plaintiff a preliminary injunction ceasing the Defendants from acting
25 in such a closure capacity which deprived Plaintiff of vested property rights without a neutral
26 hearing. Plaintiff believe that he was operating pursuant to Ordinance Number 179027, November
27 13, 2007.

28 71. Defendants knew, or had reason to know, that informing the LAPD that Plaintiff was

1 illegally operating, causing the LAPD to falsely RAID the Plaintiff's business would directly interfere
 2 with any existing clientele the Plaintiff had or would have with existing and potential medical
 3 marijuana patients/clients.

4 72. Defendants breached the duty owed to Plaintiff when Defendants deceived and
 5 destroyed, and misrepresented to the LAPD and the public at large California laws and Ordinance
 6 Number 179027 by intentionally conspiring and falsely having the LAPD raid the Plaintiff's business
 7 as described above, Plaintiff's business operations, reputation, and financial stability.

8 73. As a proximate result of the misrepresentations, deceit and fraudulent conduct of
 9 Defendants, and each of them, Plaintiff has suffered great and irreparable financial injury. As a
 10 proximate result thereof, Plaintiff has been damaged in an amount to be proven at trial, but not less
 11 than the jurisdictional limit of this Court.

12 74. The aforementioned-conduct of Defendants, and each of them, was intentional
 13 misrepresentation, deceit and/or concealment of documents, with the intention on the part of
 14 Defendants of denying Plaintiff financial gain by thereby depriving Plaintiff of property, legal rights or
 15 otherwise, causing injury and was despicable conduct that subjected to cruel and unjust hardship
 16 and conscious disregard of Plaintiff's rights, so as to justify an award of exemplary and punitive
 17 damages.

18 **FIFTH CAUSE OF ACTION**

19 **Violation of California Equal Protection**

20 **As Against All Defendants**

21 75. Plaintiff hereby incorporates by reference each and every allegation contained above
 22 as though fully set forth herein.

23 Article I, Section 7, Subdivision (a) of the California Constitution provides that:

24 "[a] person may not be deprived of life, liberty, or property without due process of law
 25 or denied equal protection of the laws, be disqualified from entering or pursuing a
 26 business, profession, vocation, or employment because of sex, race, creed, color, or
 national or ethnic origin." Cal. Const. art. I, § 8.

27 76. Following the passage of Proposition 209 in 1996, the state constitution was
 28 amended to add Article I, Section 31, which provided that "[t]he State shall not discriminate against,

1 or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity,
2 or national origin in the operation of public employment, public education, or public contracting.”

3 Cal. Const. Art. 1 Section 31(a)

4 Plaintiff alleges and believes that he was similarly situated as was: SAFE HARBOR PATIENT’S
5 COLLECTIVE, INC., GREEN DOT MEDICAL CANNABIS PATIENTS’ GROUP, GALAXY
6 CAREGIVERS GROUP, LLC, HERBAL NUTRITION CENTER, NATURAL SOLUTIONS PATIENT
7 CARE, INC., MEDICAL CAREGIVERS COMPANY, THERAPEUTIC HEALTH COLLECTIVE,
8 VALLEY HOLISTIC CAREGIVERS, CALIFORNIA CHOICE, LAHC, INC., PEACE OF GREEN,
9 INC., TIMOTHY LEARY MEMORIAL DISPENSARY, MEDMEN, TLC, INC, and/or DTPG
10 COLLECTIVE, INC.

11 77. The Equal Protection Clause ensures that “all persons similarly situated should be
12 treated alike.” None of the aforementioned marijuana dispensaries referenced above qualified for
13 the permit by November 13, 2007.

14 78. Plaintiff alleges and believes that he has alleged enough facts to state a claim for the
15 Defendants’ violation of his Equal Protection rights under California and Federal laws. The
16 aforementioned allegations are sufficient to state a claim that plaintiff was intentionally treated
17 differently than other similarly situated permit applicants without a rational basis.

18 79. The Defendants and each of them, intentionally treated Plaintiff differently than other
19 applicants as stated above, without a rational basis. The California and the federal constitutions
20 protect all people against “unequal and irrational treatment at the hands of the state.

21 80. The Defendants intentionally and deceitfully violated the Plaintiff’s equal rights.

22 **SIXTH CAUSE OF ACTION**

23 **Civil Conspiracy**

24 **As Against All Defendants**

25 81. Plaintiff hereby incorporates by reference each and every allegation contained above
26 as though fully set forth herein.

27 82. Defendants knowingly and willfully conspired and agreed among themselves to
28 defraud Plaintiff by soliciting him to apply for the permit to operate a medical marijuana business in

1 the City of Los Angeles, while having had already predetermined that Plaintiff would be denied, and
2 that other applications which defendants had favored either through accepting bribery and/or by
3 receiving money or/or other things of value from other applicants who received a license.

4 83. Pursuant to said conspiracy, and in furtherance thereof, the Defendants accepted a
5 \$5,000.00 nonrefundable fee from Plaintiff, even though they never intended to provide any
6 consideration to Plaintiff's permit application.

7 84. Plaintiff believes and alleges that on or about December 2018, Defendant JASON
8 KILLIAN, Assistant Executive Director at the Department of Cannabis Regulation received money
9 from Mr. ROBERT CAZARIN, the Plaintiff's prior partner, whose marijuana dispensary was located
10 at, "1041 Wall Street, Inc., Los Angeles, California. The Plaintiff had applied for the same license at
11 the same address and was denied a license for, MELROSE QUALITY PAIN RELIEF, INC., 1041
12 Wall Street, Los Angeles, California. Shortly thereafter, Mr. ROBERT CAZARIN contacted the
13 Plaintiff and informed him that he was cancelling an agreement between himself and Plaintiff
14 because he was getting a social equity license and that Defendant JASON KILLIAN was going to
15 issue it. Mr. ROBERT CAZARIN further stated that all he had to do was "grease" Defendant
16 JASON KILLIAN hand. 1041 WALL STREET, INC., Los Angeles, California is still in operation.

17 85. Pursuant to said conspiracy, and in furtherance thereof, Defendants accepted said
18 bribes of moneys and/or other things from applicants that received a social equity license. When
19 Defendants accepted \$4,657.00 nonrefundable fee for the Plaintiff's appeal, they knew that they
20 had already agreed to give the license to other applicants that had paid them monies for the
21 license. Defendants never intended to provide any consideration to the Plaintiff's permit application
22 because they had already agreed to give the licensing to Mr. ROBERT CAZARIN, of 1041 WALL
23 STREET, INC., because he had paid Defendant JASON KILLIAN thousands of dollars for a license.

24 86. Pursuant to said conspiracy, and in furtherance thereof, Mr. ROBERT CAZARIN, of
25 1041 WALL STREET, INC., bribed Defendant JASON KILLIAN, Assistant Executive Director of the
26 Department of Cannabis Regulations who openly accepted bribes of moneys and/or other things of
27 value.

28 87. Pursuant to said conspiracy, and in furtherance thereof, Defendant JASON KILLIAN,

1 fraudulently concealed from Plaintiff material facts regarding their actions to deny Plaintiff a license
2 to operate his business which was located at the same address as referenced above.

3 88. As a proximate result of the wrongful and illegal conduct of Defendant JASON
4 KILLIAN, Plaintiff has suffered damages by being deprived of money paid for non-refundable permit
5 application fees and moneys expended in gathering and drafting permit application documents, and
6 by losing the opportunity to operate his businesses in Los Angeles County.

7 89. Defendants, their employees and agents, committed the wrongful conduct herein
8 alleged maliciously and to oppress Plaintiff. Plaintiff is therefore entitled to exemplary or punitive
9 damages in an amount to be determined at trial.

10 **PRAYER**

11 **WHEREFORE**, Plaintiff, ABDUL AHMED, prays for judgment against Defendants as follows:

- 12 a. For general and special damages according to proof;
13 b. For exemplary damages, according to proof;
14 c. For pre-judgment and post-judgment interest on all damages awarded;
15 d. For the determination of Plaintiff's license status;
16 e. For reasonable attorneys' fees;
17 f. For costs of suit incurred;
18 g. For declaratory relief;
19 h. For such other and further relief as the Court may deem just and proper.

20 **ADDITIONALLY**, Plaintiff, ABDUL AHMED, demand trial of this matter by jury. The amount
21 demanded exceeds \$25,000.00.

22
23 Respectfully submitted,

24 DATED: August 12, 2021

LAW OFFICES OF JEROME A. CLAY

25 
26 Jerome Anthony Clay, Jr.
27 Attorney(s) for Plaintiff(s): Abdul Ahmed
28

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, Bar number, and address): LAW OFFICES OF JEROME A. CLAY 5250 Claremont Avenue, Suite 221, Stockton, California 95207		FOR COURT USE ONLY
TELEPHONE NO.: 209-603-9852	FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name): ABDUL AHMED AN INDIVIDUAL		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
STREET ADDRESS: 111 North Hill Street		
MAILING ADDRESS: 111 North Hill Street		
CITY AND ZIP CODE: Los Angeles 90012		
BRANCH NAME: Central District, Stanley Mosk Courthouse		
PLAINTIFF/PETITIONER: ABDUL AHMED AN INDIVIDUAL		CASE NUMBER:
DEFENDANT/RESPONDENT: CITY OF LOS ANGELES; ET AL.		21STCV29890
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: REF-8760927

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of (specify documents):
SUMMONS; COMPLAINT; CIVIL CASE COVER SHEET; CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION; NOTICE OF CASE ASSIGNMENT; NOTICE OF CASE MANAGEMENT CONFERENCE; FIRST AMENDED GENERAL ORDER; ADR
3. a. Party served (specify name of party as shown on documents served):
LOS ANGELES DEPARTMENT OF CANNABIS REGULATION
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b whom substituted service was made) (specify name and relationship to the party named in item 3a):
Office of the City Clerk
4. Address where the party was served:
200 N Spring St, Hall Room 395, Los Angeles, CA 90012
5. I served the party (check proper box)
- a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): at (time):
- b. ☒ **by substituted service.** On (date): **10/19/2021** at (time): **12:51 PM** I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
Office of the City Clerk, I delivered the documents to Office of the City Clerk with identity confirmed by subject saying yes when named. The individual accepted service with direct delivery. The individual appeared to be a black-haired black female contact 35-45 years of age, 5'6"-5'8" tall and weighing 160-180 lbs. Was received by Carmen Richerson
- (1) ☒ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☒ I thereafter caused to be mailed (by first class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc § 415.20). Documents were mailed on (date): from (city): or ☒ a declaration of mailing is attached.
- (5) ☒ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

BY FAX



PLAINTIFF/PETITIONER: ABDUL AHMED AN INDIVIDUAL	CASE NUMBER:
DEFENDANT/RESPONDENT: CITY OF LOS ANGELES; ET AL.	21STCV29890

- c. ☐ **by mail and acknowledgement of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgement of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40)

d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify) **LOS ANGELES DEPARTMENT OF CANNABIS REGULATION c/o Office of the City Clerk** under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: **Sergio Curioso**
- b. Address: **1050 Lakes Dr, Suite 225, West Covina, CA 91790**
- c. Telephone number: **562-336-9554**
- d. The fee for service was: **\$ 85.00**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ registered California process server:

(i) ☐ owner ☐ employee ☒ independent contractor.

(ii) ☒ Registration No.: **2017094974**

(iii) ☒ County: **Los Angeles CA**

For: **ABC Legal Services, LLC**

Registration #: **6779**

County: **Los Angeles**

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ **I am a California sheriff or marshal and I certify** that the foregoing is true and correct.

Date: 10/22/2021

Sergio Curioso

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

BY FAX



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, Bar number, and address): LAW OFFICES OF JEROME A. CLAY 5250 Claremont Avenue, Suite 221, Stockton, California 95207 TELEPHONE NO.: 209-603-9852 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): ABDUL AHMED AN INDIVIDUAL		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Central District, Stanley Mosk Courthouse		
PLAINTIFF/PETITIONER: ABDUL AHMED AN INDIVIDUAL		CASE NUMBER: 21STCV29890
DEFENDANT/RESPONDENT: CITY OF LOS ANGELES; ET AL.		
DECLARATION OF REASONABLE DILIGENCE		Ref. No. or File No.: REF-8760927

Party to Serve:

LOS ANGELES DEPARTMENT OF CANNABIS REGULATION c/o Office of the City Clerk

Documents:

SUMMONS; COMPLAINT; CIVIL CASE COVER SHEET; CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION; NOTICE OF CASE ASSIGNMENT; NOTICE OF CASE MANAGEMENT CONFERENCE; FIRST AMENDED GENERAL ORDER; ADR

Service Address:

200 N Spring St, Hall Room 395, Los Angeles, CA 90012

I declare the following attempts were made to effect service by personal delivery:

10/13/2021 2:48 PM: The closed, they told me to come back in friday.

10/19/2021 12:51 PM Served to Office of the City Clerk, I delivered the documents to Office of the City Clerk with identity confirmed by subject saying yes when named. The individual accepted service with direct delivery. The individual appeared to be a black-haired black female contact 35-45 years of age, 5'6"-5'8" tall and weighing 160-180 lbs. Was received by Carmen Richerson

Person who performed diligence:

Sergio Curioso

1050 Lakes Dr Suite 225, West Covina, CA 91790
562-336-9554

I am a registered California process server

Registration No.: **2017094974**

County: **Los Angeles CA**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Date: **10/22/2021**

Sergio Curioso

(NAME OF PERSON WHO PERFORMED DILIGENCE)


 (SIGNATURE)

BY FAX



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, Bar number, and address): LAW OFFICES OF JEROME A. CLAY 5250 Claremont Avenue, Suite 221, Stockton, California 95207		FOR COURT USE ONLY
TELEPHONE NO.: 209-603-9852 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): ABDUL AHMED AN INDIVIDUAL		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Central District, Stanley Mosk Courthouse		
PLAINTIFF/PETITIONER: ABDUL AHMED AN INDIVIDUAL		CASE NUMBER: 21STCV29890
DEFENDANT/RESPONDENT: CITY OF LOS ANGELES; ET AL.		
DECLARATION OF MAILING		Ref. No. or File No.: REF-8760927

The undersigned hereby declares: that I am over 18 years of age and not a party to this action. I am a resident of or employed in the county where the mailing took place.

My business address is 316 W 2nd St. 3rd Floor, Los Angeles, CA 90012.

That on **October 22, 2021**, after substituted service was made, I mailed the following documents: **SUMMONS; COMPLAINT; CIVIL CASE COVER SHEET; CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION; NOTICE OF CASE ASSIGNMENT; NOTICE OF CASE MANAGEMENT CONFERENCE; FIRST AMENDED GENERAL ORDER; ADR** to the servee in this action by placing a true copy thereof enclosed in a sealed envelope with postage prepaid for first class mail and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in **Los Angeles, CA**.

That I addressed the envelope as follows:

LOS ANGELES DEPARTMENT OF CANNABIS REGULATION
200 N Spring St Hall Room 395
Los Angeles, CA 90012

BY FAX

That I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

That I executed this declaration on 10/22/2021 at Los Angeles, CA.

/s/ Jesus Alvarez

Declarant: **Jesus Alvarez**, Reg. # 6585



REF: REF-8760927

Tracking #: 0078050402



Electronically FILED by Superior Court of California, County of Los Angeles on 10/25/2021 02:35 PM Sherri R. Carter, Executive Officer/Clerk of Court, by W. Moore, Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, Bar number, and address): LAW OFFICES OF JEROME A. CLAY 5250 Claremont Avenue, Suite 221, Stockton, California 95207		FOR COURT USE ONLY
TELEPHONE NO.: 209-603-9852 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): ABDUL AHMED AN INDIVIDUAL		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Central District, Stanley Mosk Courthouse		
PLAINTIFF/PETITIONER: ABDUL AHMED AN INDIVIDUAL		CASE NUMBER: 21STCV29890
DEFENDANT/RESPONDENT: CITY OF LOS ANGELES; ET AL.		
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: REF-8760927

BY FAX

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of (specify documents):
SUMMONS; COMPLAINT; CIVIL CASE COVER SHEET; CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION; NOTICE OF CASE ASSIGNMENT; NOTICE OF CASE MANAGEMENT CONFERENCE; FIRST AMENDED GENERAL ORDER; ADR
3. a. Party served (specify name of party as shown on documents served):
CITY OF LOS ANGELES
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b whom substituted service was made) (specify name and relationship to the party named in item 3a):
Office of the City Clerk
4. Address where the party was served:
200 N Spring St, Hall Room 395, Los Angeles, CA 90012
5. I served the party (check proper box)
 - a. ☒ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **10/19/2021** at (time): **12:51 PM**
 - b. ☐ **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3): _____
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter caused to be mailed (by first class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc § 415.20). Documents were mailed on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a **declaration of diligence** stating actions taken first to attempt personal service.



PLAINTIFF/PETITIONER: ABDUL AHMED AN INDIVIDUAL	CASE NUMBER: 21STCV29890
DEFENDANT/RESPONDENT: CITY OF LOS ANGELES; ET AL.	

- c. ☐ **by mail and acknowledgement of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgement of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40)

- d. ☐ **by other means** (specify means of service and authorizing code section):
- ☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify) **CITY OF LOS ANGELES c/o Office of the City Clerk**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
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| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: **Sergio Curioso**
- b. Address: **1050 Lakes Dr, Suite 225, West Covina, CA 91790**
- c. Telephone number: **562-336-9554**
- d. The fee for service was: **\$ 85.00**
- e. I am:

- (1) ☐ not a registered California process server.
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- (3) ☒ registered California process server:

(i) ☐ owner ☐ employee ☒ independent contractor.

(ii) ☒ Registration No.: **2017094974**

(iii) ☒ County: **Los Angeles CA**

For: **ABC Legal Services, LLC**

Registration #: **6779**

County: **Los Angeles**

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or

9. ☐ **I am a California sheriff or marshal and I certify** that the foregoing is true and correct.

Date: **10/22/2021**

Sergio Curioso

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

BY FAX

